

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Criminal Action No.
	)	06-00030-01-CR-W-DW
BRIAN K. HANDLEY,	)	
	)	
Defendant.	)	

REPORT AND RECOMMENDATION

Before the court is the government's motion for a judicial determination of mental competency. Defendant was examined at the Federal Correctional Institution in Springfield, Missouri, by Richart DeMier, Ph.D., a clinical psychologist. Dr. DeMier stated that defendant was competent in a report dated April 22, 2011.

On September 29, 2011, I held a competency hearing. Defendant was present, represented by Assistant Federal Public Defender Travis Poindexter. The government was represented by Assistant United States Attorney Kathleen Mahoney. The parties stipulated to the contents and findings of Dr. DeMier as the only evidence of whether the defendant is competent to stand trial and to assist in his defense (Tr. at 3-4).<sup>1</sup>

Based upon the uncontroverted evidence stipulated to by the parties in this case, I find that the defendant is competent to stand trial and to assist in his defense. Therefore, it is

---

<sup>1</sup>"Tr". refers to the transcript of the competency hearing.

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant competent to stand trial and to assist in his defense.

Counsel waived the ten day objection period set forth in 28 U.S.C. § 636(b)(1) (Tr. at 4). Any objections to this Report and Recommendation shall be filed by October 5, 2011.

/s/ Robert E. Larsen

ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 4, 2011